

REMARKS

Double Patenting

The Examiner has rejected claims 17, 21-28, 32-34, 41-44, 46-50, 52-53 and 55-56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-18 of U.S. Patent No. 5,736,131. Claims 45, 51, 54 and 57 were objected to as being dependent upon a rejected base claim.

Applicants are submitting herewith a terminal disclaimer to address this rejection. In addition, copies of papers filed concurrently with the United States Patent & Trademark Office showing the change in ownership of the instant application and U.S. Patent 5,736,131 from Novartis AG to Syngenta Participations AG are enclosed. Accordingly, it is respectfully submitted that this double patenting rejection is now moot and should be withdrawn.

In view of the above submission and remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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